UNITED
NATIONS

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General Assembly
Security Council

Distr.
GENERAL

A/50/868
S/1996/61
30 January 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
Agenda item 20 (b)
STRENGTHENING OF THE COORDINATION OF
HUMANITARIAN AND DISASTER RELIEF
ASSISTANCE OF THE UNITED NATIONS,
INCLUDING SPECIAL ECONOMIC ASSISTANCE:
SPECIAL ECONOMIC ASSISTANCE TO
INDIVIDUAL COUNTRIES OR REGIONS

SECURITY COUNCIL
Fifty-first year

Progress report of the Secretary-General on the United Nations Assistance Mission for Rwanda

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1029 (1995) of 12 December 1995, by which the Council adjusted and extended the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) for a final period until 8 March 1996 and requested me to reduce its troop level to 1,200 and the number of military observers, headquarters and other military support staff to 200. The Council further requested me to withdraw the civilian police component (CIVPOL) of the Mission and to initiate planning for the complete withdrawal of UNAMIR within a period of six weeks after the expiry of the mandate.

2. The present progress report describes the action taken by UNAMIR in implementation of resolution 1029 (1995) and provides an update on developments in Rwanda since my report of 1 December 1995 (S/1995/1002). A further report will be submitted to the Security Council before the expiration of UNAMIR's mandate on 8 March 1996.

3. The present report is also submitted pursuant to General Assembly resolution 50/58 L of 22 December 1995, in which I was requested to consult with the Government of Rwanda and with the relevant United Nations agencies on the nature of a continued United Nations presence in Rwanda after 8 March 1996; on the role such a United Nations presence might play in furthering the search for peace and stability through justice, reconciliation and the return of refugees and in assisting the Government of Rwanda in its pressing task of rehabilitation

and reconstruction, and to report to the General Assembly by 1 February 1996 on the results of those consultations.

II. POLITICAL DEVELOPMENTS

4. Since my last report, there have been no significant changes in the internal situation in Rwanda. There are increasing signs of normalcy and stability, with a marked diminution of overt violence. Rwanda's relations with its neighbours, especially the United Republic of Tanzania and Zaire, have also improved. President Bizimungu visited the United Republic of Tanzania on 14 December and held discussions with the newly elected President, Mr. Benjamin Mkapa. A tripartite meeting with Zaire and the United Nations High Commissioner for Refugees (UNHCR) on the refugee issue was followed by a visit of the Minister for Foreign Affairs of Rwanda to Kinshasa. During the visit, Zaire agreed in principle to return assets that had been carried across to Zaire in 1994 by the former Rwandese government forces (RGF). These internal and external developments reflect a positive trend.

5. Two events, however, had a negative impact on the political situation in Rwanda. The first involved the manner in which 38 non-governmental organizations (NGOs) were asked to cease activities in Rwanda and 18 others were suspended, their assets frozen and their equipment impounded. The international community's concern over this announcement was conveyed to the Minister for Foreign Affairs by my Special Representative in Rwanda and I hope that the appeals made by NGOs will be given due consideration by the Government. The second event was the defection of some senior civilian and military officials, including the Governor of the State Bank. Following the departure of former Prime Minister Faustin Twagiramungu and of one of his Cabinet colleagues, these defections represent a setback to the prospects for promoting national reconciliation.

6. The current mandate of UNAMIR focuses on the provision of assistance to facilitate the safe and voluntary return of refugees. So far, however, despite intense efforts by UNHCR, this process remains at a trickle. Monthly figures of returnees declined from 35,000 in January 1995 to approximately 6,000 in November, though it rose to 13,500 in December (see sect. V below). The main hurdles to refugee return continue to be the fear of oppressive treatment, intimidation and political dissuasion by former Rwandese government forces leaders in the camps, and the perception of relatively better living conditions in the camps than those expected on returning home. Notwithstanding sustained efforts to tackle these difficult issues, they remain unresolved and the number of returning refugees is not likely to increase significantly.

7. Relations between UNAMIR and the Government during this final period of the Mission's mandate continue to be generally cooperative, though not without friction. The disposition of UNAMIR equipment and assets remains a matter of concern. In this connection, it will be recalled that paragraph 7 of Security Council resolution 1029 (1995) requested me "to examine, in the context of existing United Nations regulations, the feasibility of transferring UNAMIR non-lethal equipment, as elements of UNAMIR withdraw, for use in Rwanda". The Secretariat has been preparing recommendations to be presented to the

appropriate legislative bodies. It is my hope that, in the meantime, Rwanda will not impede the transfer to other peace-keeping operations of equipment that has become available as a result of the current reduction of UNAMIR.

8. A second source of concern is the insistence of the Rwandan Government that contractors providing goods and services for the exclusive use of UNAMIR should pay various types of taxes. These claims raise complex legal issues and may have a serious adverse impact on UNAMIR's operational capabilities and on the provision of goods and services by the contractors to UNAMIR. A similar problem has developed in connection with the Government's insistence on collecting frequency management and coordination fees and requiring licences for the use of the United Nations communications equipment. A third point of contention arises from the Government's attempts to renegotiate the status-of-mission agreement. The Secretariat has attempted to respond to the issues raised by Rwanda with a view to resolving them amicably. While in a number of areas the positions of the parties remain far apart, in others the Secretariat has responded positively to Rwanda's concerns regarding payment of social security taxes for personnel engaged by contractors to support UNAMIR activities, charges for public utility service related to communications and frequency management and use of airport facilities at Kanombe airport. In an effort to continue to address Rwanda's concerns and resolve outstanding issues, I have dispatched a group of experts to Kigali to discuss these matters with the Government.

III. HUMAN RIGHTS

9. The staffing of the United Nations Human Rights Field Operation in Rwanda fell from 120 at 30 November 1995 to 93 by 31 January 1996. The reason for this reduction is that voluntary contributions were not sufficient for the recruitment of new field officers (the majority of whom are United Nations Volunteers (UNVs)) to replace those who had completed their contracts. In addition to meeting the immediate operational needs of the Field Operation, the Commission for Human Rights has yet to receive sufficient financial support from donors to be able to reimburse a $3 million loan received from the Central Emergency Revolving Fund to start operations in September 1994. Such loans must normally be repaid within six months. While the Field Operation has continued to maintain field offices in 10 prefectures, this level of staffing is limiting its ability to monitor conditions in all communes and to give particular attention to the communes to which the largest number of refugees have returned or are expected to return.

10. The Field Operation continued to undertake regular visits to prisons and detention centres. While transfers to new accommodation alleviated some of the overcrowding, this remained an acute problem in prisons and local detention centres. Arrests continued to be carried out, in most cases outside legal procedures, while progress in the creation and preparation of case files was slow. The triage committees (commissions de triage) met in only a few prefectures and a very limited number of detainees was released as a result. The Minister of Justice sought interventional assistance to revitalize the committees and to establish such committees at the local level in all 147 communes. In addition to overcrowding, the Field Operation expressed

concern to the Government about the ill-treatment of prisoners in many local detention centres, which had resulted in a number of deaths.

11. The authorities took some significant steps to address reported human rights violations. Four soldiers were tried and convicted by a military court in late December 1995 for their involvement in an incident in which four civilians were shot, and three killed. The Rwandan Patriotic Army cooperated with the Field Operation in its investigation of the 25 November killings by soldiers of civilians at a temporary settlement in Nyungwe forest. The official investigation is now in the hands of the Military Prosecutor. The need to build a State of law while addressing security concerns was publicly emphasized by the Vice-President, Maj.-Gen. Paul Kagamé, when he led visits of the National Security Council to two prefectures in December. However, the Field Operation remained concerned that official investigations were carried out only in some of the cases of possible human rights violations reported to it, including killings of civilians allegedly by members of the security forces.

12. The Field Operation continued its efforts to provide assistance to the judicial system and promote human rights. It also pursued its tasks of confidence-building and human rights monitoring in the context of refugee return.

13. The International Criminal Tribunal for Rwanda issued its first indictments on 12 December 1995, so as to carry forward the process of bringing to justice persons accused of genocide and crimes against humanity. All Member States in the region have given assurances that they would cooperate with the Tribunal, as agreed at the Cairo Summit. The proceedings against suspects accused of genocide in Rwanda are expected to commence shortly.

14. The Tribunal held its first plenary session in Arusha on 8 January 1996. On that occasion, the second trial chamber examined an application presented by the Prosecutor concerning the deferral of investigations and prosecutions conducted by Belgium on three suspects currently detained in that country. On 11 January, the trial chamber decided formally to request Belgium to defer to the competence of the Tribunal the investigations and prosecutions concerning the three suspects.

15. In Rwanda, the recently established Supreme Court has begun a review of the judicial system so as to ensure that it becomes operational and those responsible for genocide are brought to justice. Arrest and detention procedures are also being reviewed. Furthermore, it was announced on 13 January that the National Assembly had amended the Rwandan Constitution, taking into consideration the exceptional circumstances Rwanda had gone through. The addition of the text of article 4 of the International Covenant on Civil and Political Rights to article 12 of the Constitution would allow the enactment of laws to regularize retroactively the arrests of those suspected of crimes related to the genocide. The text of article 15, paragraph 2, of the International Covenant was also added to article 12 of the Constitution. This should enable Rwanda to bring to trial suspects for genocide, which is a crime according to the general principles of law recognized by the community of nations, although it is not so characterized in the Rwandan Criminal Code.

16. The crash programme undertaken by my Special Representative for improving prison conditions has mitigated the problem of overcrowding in the Rwandan prisons. Six thousand detainees have now been transferred to the semi-permanent detention site at Nsinda and to the extension of Nyanza Prison. The completion of the second courtyard at Gitarama prison, the imminent opening of additional temporary detention sites and the launching of transfers from communal lock-ups in Kibungo to the prefecture's civilian prison should also contribute to the improvement of detention conditions in Rwanda.

IV. MILITARY AND SECURITY ASPECTS

17. The provisions of the new mandate concerning the adjustments to be made to the force level of UNAMIR have been largely implemented. Troop strength has been reduced from 1,800 to 1,452 and the target figure of 1,200 will be realized following the departure of 153 Ghanaians on 31 January and 97 Canadians on 2 February. The number of military observers and headquarters staff has been brought down to 219 and will be further reduced to the authorized strength of 200, with the departure of the Canadian military observers and staff officers, on 2 February (see annex). General Guy Tousignant, who served with great distinction as the UNAMIR Force Commander from 15 August 1994, left the mission area on 15 December 1995 upon completion of his tour of duty. Brigadier General Siva Kumar has been designated as Acting Force Commander of UNAMIR. The civilian police component of UNAMIR has ceased its activities and all CIVPOL personnel have been repatriated, in accordance with Security Council resolution 1029 (1995).

18. UNAMIR logistic bases, consisting of about 40 personnel each, have been deployed at Nyundo, near Gisenyi, and Shagasha, near Cyangugu, to assist in the return of refugees. Primarily, the deployment to the border areas is meant to provide logistic support to UNHCR to move the refugees from the border to the transit camps in Sectors 4 and 5. All other formed troops are deployed in Kigali (see map). The troops stationed in Kigali are essentially tasked to contribute to the security of the Tribunal, the provision of humanitarian assistance, the protection of United Nations property and assets, construction works and assistance in rehabilitation and the repair of infrastructure. A small contingent is also deployed at Kibuye for the protection of members of the Tribunal working in that town. With just over a month remaining before the end of the mandate, the preparations for terminating the Mission have unavoidably curtailed the full performance of its tasks.

19. On 5 January 1996, the Permanent Representative of Canada informed me that his Government had decided to withdraw its participation in UNAMIR. In a letter of 16 January (S/1996/35), he explained that his Government considered that the UNAMIR mandate, as adjusted in December 1995, was not viable in the light of the reduction of the force level effective 2 February. My efforts to persuade the Canadian authorities to reconsider their decision have proven unsuccessful. While I fully understand the issue of principle that has led the Canadian Government to take the decision to withdraw, the departure of this key logistic support unit is another factor reducing the operational effectiveness of UNAMIR during the sensitive concluding phase of its mission. Since alternative arrangements cannot be made in the time remaining, the Acting Force Commander

has taken steps to restrict the remaining UNAMIR strength to a garrison mode in Kigali.

20. In the Rwanda-Zaire border regions, infiltration and sabotage activities by elements of the former Rwandese government forces have continued, although at a lower level of intensity. Electric pylons, bridges and factories have been targeted. Some attacks were carried out on "cachots" (improvised detention centres), leading to escapes by prisoners. There were eight reported mine incidents during the period under review, in which civilians and soldiers of the Rwandan Patriotic Army were injured while removing or stepping on anti-personnel mines.

21. Another aspect of the activities of the former Rwandese government forces concerns the allegations of sale or supply to them of arms and related materials, as well as reports that these forces are receiving military training in order to destabilize Rwanda. It will be recalled that, in order to investigate these reports, the Security Council, in its resolution 1013 (1995) of 7 September, requested me to establish an International Commission of Inquiry. The Commission has been in the Mission area since early November and has submitted an interim report (see S/1996/67).

22. In the face of the security problems posed by the former Rwandese government forces, the Rwandan Patriotic Army has increased its patrolling activities. The preemptive measures it has taken against the local population have been noticeably more severe in the border region than in other parts of the country, with a commensurate increase in tension. On 4 January, the Rwandan Patriotic Army fired rockets at parts of Ijwi island in Lake Kivu, as it suspected that the island was being used by saboteurs. These incidents notwithstanding, the general security situation is improving steadily.

V. HUMANITARIAN DEVELOPMENTS

23. Humanitarian operations within Rwanda continue to be coordinated under the overall leadership of the Department of Humanitarian Affairs. The United Nations Resident Coordinator has now assumed also the responsibilities of United Nations Humanitarian Coordinator. Though the United Nations Rwanda Emergency Operation structure was officially closed at the end of October, a support office was established to facilitate the Humanitarian Coordinator's operations. One of the principal activities of the Humanitarian Coordinator will be to ensure the continuity of humanitarian assistance to Rwanda following the departure of UNAMIR.

24. In December 1995, the number of returnees increased slightly. According to UNHCR, more than 13,500 refugees returned to Rwanda compared to some 6,700 in November. This increase was due to an influx of refugees from Burundi when 5,499 returnees crossed the border in UNHCR-organized convoys between 19 and 23 December. Unfortunately, the flow of returnees from the United Republic of Tanzania has nearly ceased.

25. During the reporting period, UNHCR issued a $288 million appeal to cover the cost of its 1996 operations for Rwandan and Burundian refugees and returnees

in the Great Lakes region. The new appeal places special emphasis on voluntary repatriation to Rwanda in 1996, and plans for a shift in UNHCR programmes from care and maintenance of refugees in countries of asylum to return and reintegration in the country of origin. The United Nations Development Programme (UNDP), the World Food Programme (WFP), the United Nations Children's Fund (UNICEF), other United Nations agencies and NGOs are collaborating in these efforts.

26. At the Rwanda/Zaire/UNHCR Tripartite Commission meeting held in Geneva on 20 December, the three parties expressed strong concern at the recent decline in the repatriation of refugees to Rwanda. The High Commissioner for Refugees informed the meeting that political factors, an increase in insecurity in the region and a failure by the parties to translate earlier commitments into concrete action were in part responsible for the slow progress in getting people back home. In a joint communiqué, Rwanda reaffirmed its commitment to establish the necessary conditions for the safe return of refugees and to strengthen its capacity to welcome them home. Zaire reaffirmed its commitment to rid the camps of those resorting to intimidation to block the return of refugees. The meeting was the second between UNHCR, Rwanda and Zaire on this matter. The Tripartite Commission consisting of Rwanda, the United Republic of Tanzania and UNHCR held its third meeting in Kigali on 7 and 8 December 1995. The "go and see" visits of refugees to Rwanda continued during the months of December and January. In all, 474 refugees participated in over 30 such visits from three countries of asylum since the programme was initiated in mid-1995: 342 from Burundi, 122 from the United Republic of Tanzania and 10 from Zaire.

27. Reported clashes between armed groups and soldiers in Burundi provoked a surge in returns to Rwanda. Some 7,000 refugees did so during December. Another 2,000 who were trying to cross into the United Republic of Tanzania from Burundi on 21 December were forced back by Tanzanian authorities.

28. Fighting during the night of 17/18 January in Mugano, Miyunga Province, in northern Burundi, triggered an exodus of some 15,000 Rwandan refugees who fled to the border of the United Republic of Tanzania, which had been officially closed. According to UNHCR, Tanzanian officials allowed entry of the refugees on humanitarian grounds. On 20 January, more than 14,000 Rwandan refugees fearing the spread of ethnic fighting abandoned nearby Ntamba camp and headed towards the Tanzanian border. As of 25 January, an estimated 3,000 Rwandan refugees from Ntamba had crossed into the United Republic of Tanzania, more than 11,000 had returned to the Ntamba site, while a group of 140 chose to return voluntarily to Rwanda.

29. On 15 December, UNDP and the Rwandan Ministry of Planning signed a project for the urgent urban resettlement of refugees. The one-year project will be executed by the United Nations Centre for Human Settlements (Habitat), in cooperation with the Ministry of Rehabilitation and Social Integration. The budget of $1.5 million is financed by the United Kingdom of Great Britain and Northern Ireland. The objective of the project is to facilitate the resettlement of returnees in urban and semi-urban areas by preparing and developing sites.

30. On 9 December 1995, UNDP also signed a preparatory assistance project to support the same Ministry in the implementation of the Government's accelerated plan of action for the reinstallation and reinsertion of refugees and formerly displaced persons. The one-year project will be executed by the United Nations Office of Project Services and implemented by the Ministry. The budget is $1,159,000, of which $186,336 comes from co-financing by the Netherlands. This preparatory assistance will reinforce Government and local administration capacity to plan, implement, monitor and evaluate reinstallation activities at both the national and the local levels.

31. Owing to the departure of a number of NGOs, four of which were its implementing partners, UNICEF has taken emergency steps to avoid the breakdown of services in several unaccompanied children's centres run by these NGOs. Replacement agencies have been found for two of the centres. The three other centres remain without NGO financial and technical assistance, although national staff are still present. The activities of UNHCR, WFP and other United Nations agencies were also affected by the Government of Rwanda's decision to expel a number of NGOs.

32. UNICEF is collaborating with a number of NGOs for its 1996 activities on behalf of vulnerable women and children. In order to support a study on street children and to provide technical expertise in the Miyove centre for women prisoners and their children, UNICEF will sign two separate agreements with Save the Children's Fund-USA. UNICEF will support the NGO "Food For The Hungry" in providing assistance to vulnerable households within the country and for the reintegration and resettlement of returnee foster families.

VI. REHABILITATION, RECONSTRUCTION AND DEVELOPMENT

33. Funds pledged to date by donors have reached $1,264 million, as against $587 million registered initially at the Geneva round-table conference of January 1995. The increase came mainly from (a) a continuation of projects previously in the pipeline that the Government of Rwanda had not considered to be on their new priority list and (b) additional pledges made by donors at the July 1995 round-table mid-term review. Additional pledges from the European Union and Japan were made at the thematic consultation on refugees held in November 1995. Commitments to date by donors are estimated at $878.5 million. The largest commitments have come from the World Bank ($224 million), the European Union ($125 million), the United States of America ($122 million) and Germany ($103 million).

34. Disbursements to date by donors are estimated at $403.9 million, equivalent to 69 per cent of the total pledged in Geneva, a remarkable improvement over May (9 per cent), July (15 per cent) and September (43 per cent) disbursements. At the Government's request, a few donors have expedited their bilateral disbursement procedures and/or contributed through the Secretary-General's Trust Fund or the UNDP Trust Fund. The Secretary-General's Trust Fund was established in the immediate aftermath of the Rwandan crisis, in order to facilitate the rapid disbursement of funds. In early 1995, the UNDP Trust Fund was constituted to channel resources from donors for rehabilitation projects. To date,

contributions pledged via the Trust Fund and cost-sharing arrangements managed by UNDP total $43.5 million.

35. Reactivating the judicial system remains a priority of United Nations agencies operating in Rwanda. Although progress is slow on account of the Government's lack of capacity and the enormous complexity of trying those suspected of genocide, steps were taken in December to remedy that situation. The Ministry for the Rehabilitation and Functioning of the Judiciary identified four priority areas and implementation of programmes designed to rehabilitate the judicial system is under way.

36. In accordance with a recommendation made during a conference on genocide held in Kigali, the Ministry of Justice announced its desire to establish 11 "special courts" for the treatment of genocide cases. These courts could be supported by six international experts who could be recruited through UNDP's "Support to the rehabilitation of the judiciary" phase II project. Four more specialists could be recruited to support the Public Prosecutor of the Supreme Court. Incentives are being examined in order to increase the productivity of judiciary public servants and to recruit qualified and experienced candidates for key positions.

37. The work of the triage committees is scheduled to resume in mid-January and the necessary administrative decisions are being prepared by the Ministry of Justice to be presented to the Government for official approval. The assessment of material needs for the proper functioning of the Supreme Court has been completed.

VII. FINANCIAL ASPECTS

38. In its resolution 50/211 of 23 December 1995, the General Assembly appropriated an amount of $32,324,500 gross for the financing of the Assistance Mission for the final period, from 1 January to 8 March 1996.

39. Pursuant to the Security Council's request to initiate planning for the complete withdrawal of UNAMIR within a period of six weeks after the expiry of its mandate, I shall seek the additional resources required for the withdrawal from the General Assembly at its resumed fiftieth session.

40. As of 15 January 1996, the total outstanding contributions to the UNAMIR special account since the inception of the Mission to 8 December 1995 amounted to $58.5 million. This amount does not reflect the most recent appropriation by the General Assembly for the period from 1 January to 8 March 1996. Total outstanding assessed contributions for all peace-keeping operations stood at $1,702.8 million as of 15 January 1996.

VIII. CONCLUDING OBSERVATIONS

41. More than six weeks have now elapsed since the Security Council adopted resolution 1029 (1995), which focused the mandate of UNAMIR on the assistance it should provide in terms of good offices and logistics to facilitate the

repatriation of Rwandan refugees. I note with concern that, to date, despite the combined efforts of UNAMIR and other United Nations agencies and programmes working in Rwanda, particularly UNHCR, the repatriation process continues to be very slow. Moreover, there has been no evidence so far that the process will acquire the desired momentum before the end of the final mandate period of UNAMIR.

42. As stated in my previous reports, I remain convinced that long-term peace in Rwanda will remain elusive as long as large concentrations of Rwandan nationals remain encamped in neighbouring countries. I therefore welcome the initiatives being taken at the regional level to help to resolve the problem.

43. Genuine peace and reconciliation in Rwanda will also depend on the progress that will be made in the efforts of the Government and the international community to put an end to the prevailing environment of impunity, by bringing to justice those accused of genocide and massacres. I note with satisfaction that the International Criminal Tribunal for Rwanda issued its first indictments on 12 December 1995, that the Tribunal was able to hold its first plenary session in Arusha on 8 January 1996 and that the proceedings will begin in March. The measures being taken by the Supreme Court of Rwanda to reactivate the country's judicial system are also welcome.

44. Progress is also being made in the fields of rehabilitation, reconstruction and development. The funds pledged by donor countries for the development of Rwanda have increased significantly since the donors' round-table conference of January 1995. Actual disbursement has also increased, making it possible to launch a number of rehabilitation and reconstruction projects. In this context, it is my hope that the ongoing efforts aimed at improving conditions of detention in Rwanda's prisons will continue.

45. The mandate of UNAMIR will expire on 8 March 1996 and the operation will be phased out within six weeks, as prescribed by Security Council resolution 1029 (1995). I stated in my last report to the Security Council (S/1995/1002) that the United Nations still had a useful role to play in Rwanda. That assessment remains valid, especially in light of the Government's indication that the country's overwhelming needs require the continued attention and assistance of the international community.

46. Despite the real progress that has been made towards the restoration of normal conditions in Rwanda after the trauma and destruction inflicted by the genocide of 1994, it is evident that much more remains to be done. There is no doubt that the international community should continue to lend its support to the efforts of the Rwandan Government to achieve genuine peace and reconciliation, which are the necessary conditions for sustainable rehabilitation and reconstruction.

47. My Special Representative is currently examining with the Government, as well as with the relevant United Nations agencies, the possible nature and mandate of a continued United Nations presence in Rwanda after the expiration of UNAMIR's final mandate period on 8 March 1996. In the light of those discussions, I shall present appropriate recommendations in this regard in my next report to the Security Council.

Annex

Composition of the UNAMIR military component as of 22 January 1996

Country	Military personnel		Observers	Total
	Troops	Staff/Military police		
Austria			1	1
Bangladesh			1	1
Canada a/	97	4	9	110
Congo			7	7
Ghana b/	296	17	25	338
Guinea			15	15
Guinea-Bissau			1	1
India c/	841	12	22	875
Malawi	85		8	93
Nigeria	133	14	12	159
Russian Federation			15	15
Senegal		1	2	3
Uruguay			17	17
Zambia		15	8	23
Zimbabwe			13	13
Total	1 452	63	156	1 671

a/ All Canadian personnel (110) leaving the Mission on 2 February 1996.

b/ One hundred and fifty three troops leaving the Mission by 31 January 1996.

c/ Five staff officers leaving the Mission by 31 January 1996.

Map No. 3807.1 Rev. 15 UNITED NATIONS
January 1996

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Distr.
GENERAL

A/50/869
S/1996/71
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GENERAL ASSEMBLY
Fiftieth session
Agenda item 10
REPORT OF THE SECRETARY-GENERAL ON
THE WORK OF THE ORGANIZATION

SECURITY COUNCIL
Fifty-first year

Letter dated 18 January 1996 from the Permanent Representative of France to the United Nations addressed to the Secretary-General

Following the issuance of your Supplement to an Agenda for Peace (A/50/60-S/1995/1), the President of the Security Council, in his statement of 22 February 1995, invited Member States to present further reflections on United Nations operations in the area of international peace and security.

Attached is France's contribution to the consideration of this important question (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under the item entitled "Report of the Secretary-General on the work of the Organization", and of the Security Council.

(Signed) Alain DEJAMMET

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ANNEX

Supplement to An Agenda for Peace

Aide-mémoire by France

France welcomed the issuance on 3 January 1995 of the Supplement to an Agenda for Peace by the Secretary-General of the United Nations. It believes that this report, which takes into account the experience acquired over the past two years, makes a valuable contribution to the discussion on this subject.

Pursuant to the invitation extended by the President of the Security Council in his statement of 22 February 1995, and by way of supplementing the aide-mémoire issued by France following the publication of An Agenda for Peace, the French Government wishes to present the following reflections on United Nations operations in the area of international peace and security.

I. A DETAILED LOOK AT THE NATURE OF PEACEMAKING AND CONFLICT-MODERATION OPERATIONS

In his Supplement to an Agenda for Peace, the Secretary-General of the United Nations, speaking in the context of United Nations operations in the area of international peace and security, draws a distinction between preventive diplomacy and deployment, peacemaking (by diplomatic means), peace-keeping (stricto sensu), post-conflict peace-building (chiefly through disarmament of the parties and restoration of political and economic structures and the social fabric) and enforcement action.

France fully endorses this list of categories. However, it would propose adding to the list in order to reflect more accurately the nature of operations that are deployed before a conflict has ended and are intended to restore peace or moderate the conflict by methods that involve both securing the parties' consent (principally through negotiation) and constraint (to ensure that safe areas or the free movement of humanitarian convoys are respected, for example).

The usefulness of such a category, of which Operation Turquoise in Rwanda is one example, leads us to stress the following points.

The fundamental difference between operations of this type and conventional peace-keeping operations is that the former are undertaken before the conflict has ended or while it is in its final stages, which means that at least one of the parties believes that its interests are best served by a prolongation, rather than an ending, of the conflict. An operation aimed at ending the conflict cannot, therefore, be neutral, any more than can one aimed at moderating the conflict, for the latter seeks of necessity to modify the behaviour of at least one of the adversaries, which in most cases means simply preventing it from using whatever strategies or tactics it considers most appropriate (by creating safe areas, banning the overflight of certain areas, or organizing the return of refugees, for example).

It is clear from the outset that, by thwarting the plans of one or more parties to the conflict, such operations are unlikely to enjoy the parties' consent. This can only be obtained gradually, through negotiation but also by assistance to the population (medical assistance, civil engineering and so forth); at the same time, the operation must be prepared to use force to impose conditions that are not yet accepted, beginning, perhaps, with the very presence of United Nations troops. The decision to launch such operations must therefore be based on Chapter VII of the Charter of the United Nations. The deployment of troops as well as the protective and combat equipment they require must be planned for in a manner that will permit the use of force.

Thus operations of this type contain the risk of escalation, which, if not overcome, can change the nature of an operation, making it a coercive military action (peace enforcement). Such a development must not be ruled out on principle; however, the political cost (particularly the withdrawal of certain contingents) and the technical difficulties (change in military deployment) must be reckoned. Accordingly, peacemaking and conflict-moderation missions must be extremely disciplined and skilled when they use force; above all, they must enjoy, to the extent possible, undisputed military superiority.

Given that the Organization's military resources are limited, it follows that the number of such operations cannot be greatly increased: the decision rests, and must rest, with the Security Council.

Having their basis in the power of intimidation but equally in the effort to secure consent, such operations must be neutral rather than impartial. The terms of their mandate may thwart the military goals or methods of one party more than those of the other, yet the United Nations force must ensure that these terms are equally respected by all: the force must remain an arbitrator and must ensure that it is perceived as such.

Such operations are highly sensitive and must be carried out by troops that are well prepared. Combat training and a knowledge of the operation environment are vital to such preparation. However, basic training must be supplemented by training in negotiating techniques so that the force, and senior personnel in particular, are really equipped to deal with a number of different authorities.

II. ENHANCEMENT OF THE ORGANIZATION'S RAPID REACTION CAPACITY

The current timetable for mounting a United Nations force is often too long. The most typical example is UNAMIR II, which could not be deployed until six months after its creation by a Security Council resolution. France suggests that this situation be improved by actually implementing and refining the system of stand-by arrangements and by establishing rapid deployment units within this system.

A. Implementation and refinement of the system of stand-by arrangements

The system of stand-by arrangements, which was put in place in 1994, is not yet fully operational, for its effectiveness depends on the speed with which the United Nations Secretariat can use it to mount a cohesive force suited to the operation in question, and thus on the accuracy of the data available to it. The Secretariat, therefore, should continue to encourage States to become part of this system while also requesting States that are already participants to make their offers more specific by submitting detailed volumetric descriptions of the resources proposed. Such descriptions should also mention the timetable for the deployment of each unit (so as to avoid, for example, having a combat unit arrive in the theatre of operations far in advance of the necessary support units).

In addition, it is difficult to create a viable command structure in a vacuum: it would therefore be desirable for countries having the capacity to do so to propose command units comprising a general staff to which officers from other contributor States would be assigned. France can have units of this type standing on four days' notice; some unit members could also help to staff the Situation Centre in the Department of Peace-keeping Operations.

B. Establishment of rapid deployment units

Such measures, however, may not be sufficient; the system of stand-by arrangements is designed to allow for deployment within two months, which is too long in cases where any delay will aggravate the situation on the ground and reduce the chances for carrying out a successful operation.

In this light, the French Government feels that the proposal concerning the establishment of a rapid reaction force put forward by the Secretary-General of the United Nations in his report entitled "Supplement to an Agenda for Peace" is of particular interest. France is aware, however, of the political and technical difficulties such a project would encounter, and it therefore proposes that rapid deployment units should be set up within the system of stand-by arrangements. The first characteristic of these units is that it would take only a short time to deploy them, ranging from two to 10 days. The concern for effectiveness in implementing such a system also requires that the proposed troops, together with their protective and combat equipment, be of high quality, that the command structures be pre-planned and that the exercises, which could be carried out at the general staff level and, on the ground, through troop mobilization manoeuvres, be organized jointly by the United Nations and by States that have offered to contribute rapid deployment units.

At the meeting held by the Security Council at the level of Heads of State and Government on 31 January 1992, France had announced that it was prepared to contribute to the United Nations, within less than two weeks, up to two contingents of 1,000 troops each. In the context of this commitment, it now announces that it will soon submit a report to the Secretariat describing these units in detail.

III. STRENGTHENING THE MILITARY STAFF CAPACITIES OF THE UNITED NATIONS

Despite the considerable efforts made by the United Nations Secretariat to improve the services concerned, including the Department of Peace-keeping Operations, the effectiveness of United Nations operations is still being limited by the inadequacy of the Organization's military staff capacities in the areas of both planning and command, and the most pressing need appears to concern the definition of military operations in fulfilment of the mandate established by the Security Council. These capacities should be reinforced by increasing the resources of the Department of Peace-keeping Operations and setting up specific teams for each operation.

A. Development of planning capacities

In order to be fully effective, military planning must set as its goal not only to enforce political decisions (the Council's mandate) but also to help to prepare them.

It is therefore desirable to continue to develop an early operational planning capacity in the Department of Peace-keeping Operations. To strengthen the effectiveness of such planning, it would be useful to envisage the elaboration of deployment scenarios as soon as a crisis develops which is likely to lead to a United Nations operation.

France envisions the systematic deployment on the ground, from the time when an operation begins to be seriously considered, of a team composed of members of the Planning Cell of the Department of Peace-keeping Operations and of a planning element comprised of a unit that would be furnished by a country to show its particular interest in the operation. This team would help those who would be in charge of the force, namely, the future Special Representative of the Secretary-General and, where possible, the future military commander of the operation. The team would formulate a concept of operations which would be annexed to the report submitted by the Secretary-General to the Security Council and would help to clarify the Council's debates.

In this context, the Government of France is contributing to the United Nations a planning unit which can be deployed within 48 hours.

Once the resolution establishing an operation has been adopted, this unit, which may be reinforced as needed by future commanders of the main national detachments, would ensure the overall military planning of the operation by preparing, in particular, a detailed military directive and the initial order of operations.

Finally, after the operation has been set up, it would normally be the responsibility of the Planning Cell of the Department of Peace-keeping Operations to adapt the operation to the changing military and political situation, a task which could involve the preparation and translation into military terms of new Security Council resolutions modifying the initial mandate, up to the planning of withdrawal. It may well be necessary, however,

in the case of large and complex operations, to have further recourse to a planning unit.

In the event that rapid deployment units are to be used, this team will be reinforced where necessary, in order to plan the deployment of these units, by the commanders of national contingents that have been contributed to the United Nations in this context or by other officers representing contributor States.

B. Improvement of command structures

The establishment of an effective planning system should, in itself, improve the command of the force.

It is important, none the less, to strengthen the effectiveness of command staffs, especially for the largest and most delicate missions, by establishing them more quickly and limiting their necessary heterogeneity. This is the reasoning behind our proposal for command units (see II.A. above), which would be particularly useful in cases where rapid deployment units are used.

The Situation Centre within the Department of Peace-keeping Operations should continue to be strengthened. France proposes that the staff of this centre be reinforced by representatives of States contributing to an operation, at their request, and this would make it possible at the same time to give these States more rapid and precise information about the evolution of the situation on the ground and to improve the Secretariat's follow-up capabilities.

It would be helpful to specify the nature of the authority of the force commander (and, ultimately, the Secretary-General) over national units. France feels that this authority should be closely akin to operational control. The rules of engagement for each force should also be clearly spelt out.

Lastly, the many incidents and difficulties that have occurred have shown how important it is to harmonize the action of the civilian component with that of the military component of the operations, avoiding both overlapping and a too rigid separation of duties (where the civilian component would be, in particular, solely in charge of administrative duties and negotiation).

The desirable command structure obviously depends on the nature of the missions to be accomplished. Experience seems to recommend, however, on the one hand, the systematic designation, for all operations of whatever size, of a special representative of the Secretary-General having complete authority over the various components of the operation and, on the other hand, at least for peacemaking and conflict-moderation operations, which almost inextricably link military tasks (even including combat) with negotiation and humanitarian aid activities, an integrated structure involving close cooperation between civilians and military personnel at all levels of command, including logistics.

* * *

In conclusion, France is aware that the success of United Nations operations in the area of international peace and security is also based in

large part on the quality of the troops engaged in these interventions. It supports the training programme for mobile peace-keeping training teams, in which it intends to participate actively by assigning French officers to these teams and hosting training courses in France. It is also prepared to open its specialized training centres to foreign trainees and to help States at their request to establish national training centres in liaison with the competent United Nations bodies.

UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/50/870
2 February 1996
ENGLISH
ORIGINAL: SPANISH

Fiftieth session
Agenda item 112 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Letter dated 26 January 1996 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

I have the honour to transmit to you the attached copy of the final document, entitled "The Canary Islands Commitment", adopted by the First Tricontinental Conference of Institutions for the Protection and Promotion of Human Rights, which took place in the Canary Islands (Spain) from 7 to 9 November 1995 (see annex).

The Conference, which brought together 135 representatives of institutions and associations based in Africa, America and Europe and devoted to the protection and promotion of human rights, centred on the topic, "Human Rights, Solidarity and Development".

I should be grateful if you would have this letter and the above-mentioned document circulated as an official document of the General Assembly at its fiftieth session under agenda item 112 (b).

(Signed) Juan Antonio YÁÑEZ-BARNUEVO

96-02410 (E) 080296 100296

ANNEX

First Tricontinental Conference of Institutions for the Protection and Promotion of Human Rights

Canary Islands, 7, 8 and 9 November 1995

On 7, 8 and 9 November 1995, 135 representatives of institutions and associations for the protection and promotion of human rights from Africa, America and Europe (defenders of the people, mediators, ombudsmen, parliamentary and governmental committee members, members of national committees, members of petitioners' committees, trade union representatives, human rights activists and prosecutors, henceforth included under the general term "defenders of human rights" (or simply "defenders"), met at the invitation of the Deputy of the Commune of the Canary Islands (the name given to the Parliamentary Ombudsman of the Canary Islands) at the First Tricontinental Conference of Institutions for the Protection and Promotion of Human Rights, which was organized around the theme "Human Rights, Solidarity and Development" as a subject for reflection, analysis and proposals for action.

The Conference adopted a final document, entitled "The Canary Islands Commitment", an abridged version of which is reproduced below (see appendix).

APPENDIX

SUMMARY OF THE FINAL DOCUMENT

THE CANARY ISLANDS COMMITMENT

1. The historic moment in which we are living, characterized by a globalization of economic, political, social and cultural phenomena, an unequal distribution of wealth, and the persistence of systems of the domination of some groups of people over others on the basis of social, gender or age differences, greatly impedes the full exercise of human rights by causing serious situations of poverty, marginalization, hunger, illness and death, forced displacement and the flight of refugees, the resurgence of phenomena of intolerance, racism and xenophobia, unemployment and limitations on the right to a decent life, a crisis in the mechanisms for the control of power, even in advanced parliamentary democracies, the demographic growth which is anticipated for the 21st century, and the depletion of the natural resources of the planet.

2. Such a situation urgently requires that democratic institutions in general, and the defenders of human rights in particular, given their responsibility for the defence of human dignity, should develop common approaches to the protection of human rights and a programme of action in a spirit of solidarity in order to make existing defence mechanisms effective and to devise other means of facing the contemporary threats to the full exercise of human dignity.

3. Therefore, the protectors of human rights of the three continents represented at this conference (Africa, America and Europe), after analysis and discussion of, and agreements on, "Human Rights, Solidarity and Development" and in an operative search for:

1. International legal instruments to produce a model for balanced and sustained development;

2. Links of solidarity in a world in crisis;

3. Proposals for migration and cultural rights.

PROCLAIM:

(A) <u>With regard to the right to development and international solidarity</u>

1. The solution for overcoming this serious situation requires a renewed concept of solidarity and cooperation and a coordination of policies between the developed countries and those of the third world, in the context of a reformulation of aid and reciprocity entailing a new definition of the concept of sustainable human development. The right to development is based on the interrelationship of justice, dignity, solidarity and peace.

2. Based on the United Nations Development Programme (UNDP) definition of sustainable development as one "that not only generates economic growth but

distributes its benefits equitably; that regenerates the environment rather than destroying it; that empowers people rather than marginalizing them ... [that] gives priority to the poor, enlarging their choices and opportunities, and provides for their participation in decisions affecting them", we emphasize that:

- The human being is a subject of law and the Government is responsible for ensuring his functionality and effectiveness;

- The right to development is the synthesis of individual and collective rights, and it must be put into effect in order to promote the exercise of all other rights. Its nature as a fundamental right means that it is an absolute necessity which must not be subordinated to future programmatic plans but must apply to every person, at all times and in all places;

- Essential conditions for the exercise of the right to development include: an economy which makes possible the conservation and renewal of its resources; a participatory democracy; political self-determination; rights of the citizen as a subject of law; human freedom and dignity; and tolerance and respect for minorities;

- As UNDP has recognized, the free play of economic and political processes is unlikely to lead to an equal distribution of opportunities. Because of the prevailing inequalities and the slowness of change in the centres of power, the only remaining way in which the right to development can be put into practice is to quickly find new strategies for real solidarity and international cooperation which avoid and transcend the old forms of assistance;

- In view of the globalization and interdependence of the factors that impede exercise of the right to development and the fact that measures or actions taken at the regional or national level within the global trading system cannot succeed on their own, the involvement of the international community through the United Nations is required;

- There is an urgent need to revise the aims and functioning of the agencies of the United Nations system, and in particular to revise the structural adjustment programmes, given the fact that they have resulted in the exclusion and increased impoverishment of the poorest segments of society in almost all the countries of the third world;

- There is also an urgent need to review all the declarations, instruments, principles and procedures that establish rights and obligations aimed at securing the economic and social well-being of all human beings in order to add provisions that guarantee their effectiveness and applicability throughout the world;

- It is essential for the Bretton Woods financial institutions to align their functioning with the principles enshrined in the Universal Declaration of Human Rights, in particular the 1986 United Nations

Declaration on the Right to Development, and it is essential to make provision for macroeconomic adjustment in the fight against poverty;

- This Tricontinental Conference recommends that the United Nations should endeavour to monitor and regulate international trade and achieve transparency in international cooperation activities.

(B) With regard to the role of champions of human rights

The commitment of defenders of human rights begins with carrying out the assigned activities that concern our immediate communities, and then extends to our less immediate communities: our neighbour and the human race. One of the priorities of our work is to ensure that people are fully aware of their rights and duties in order to be able to take charge of their private lives and participate in public life, the ultimate objective being for the citizens themselves to defend their rights and legitimate interests.

The role of defenders of the people needs to be strengthened with an eye to the future; their role and that of the organizations that represent them must be redefined in order to make them active participants in any situation where the people need us, especially with respect to the two most crucial challenges currently facing mankind: combating poverty and inequality and ensuring that human beings play a part in their present and their future.

Since they serve as intermediaries between the people and the authorities, we request that the United Nations should recognize their work, and that the United Nations and relevant regional organizations should grant them a status that will enable them to act autonomously in international human rights forums.

(C) With regard to indigenous peoples

Specific commitments of defenders of human rights with respect to:

- Accession to and/or ratification of legal instruments of special importance to indigenous peoples, specifically, the Declaration on the Rights of Indigenous Peoples;

- Accession to and/or ratification of the Indigenous and Tribal Peoples Convention of the International Labour Organization, and support for the reforms of the Patzcuaro Convention and the transformation of the Inter-American Indian Institute;

- Strengthening of the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean;

- Promotion of and support for national legislative reforms concerning indigenous peoples.

(D) With regard to the status of women

This Tricontinental Conference endorses the 1995 Beijing Platform for Action as a charter that assimilates women's rights to basic human rights and

calls for women's demands to be included in the activities of defenders of the people.

It endorses the special programmes for women of UNDP and recommends that:

- National legislation should be amended so as to define any violence against women, within and outside the home, as a violation of human rights;

- The international community's right to intervene in relation to the violations of human rights currently being perpetrated against women of specific cultural communities in the name of tradition, religion or the Government's population policy should be recognized.

(E) With regard to emigration

- An appeal should be addressed to countries receiving emigrants to establish fairer legislation that would not adversely affect the dignity and status of those who are forced into an illegal situation in order to survive.

- Collaborative efforts should be made to prevent emigrants being uprooted from their countries, their customs and their families. With respect to the immigrant communities, a culture of acceptance and respect for differences should be fostered that would counter the effects of the racism and xenophobia currently spreading throughout Europe. There should be cooperation in implementing policies of solidarity in the context of employment, health and child care.

- Where cases of illegal immigration are reported, the defenders of human rights should ensure respect for the human rights of the immigrants, making sure that their dignity is respected.

(F) With regard to children

- The development of a comprehensive protection, education and development policy should be promoted, in line with protection guidelines that are basically consistent with the 1989 United Nations Declaration of the Rights of the Child, with special attention to the situation that a high proportion of children are living uprooted in poverty as refugees.

Conclusion

The defenders of human rights assembled here express their satisfaction at the impetus being given to the development and consolidation of the institution of defenders of the people in Latin America and Africa, in the conviction that it would be a decisive step in efforts towards the effective exercise of human rights and the institutionalization of democracy in those countries.

At this tricontinental meeting in the Canary Islands on human rights, solidarity and development, we, as individuals, participating actively in

international life, call for integration and receptiveness, with a view to recognition of the variety of identities of our peoples and respect for their human rights, regardless of their situation or wherever they may be.

UNITED NATIONS **A**

General Assembly

Distr.
GENERAL

A/50/871
5 February 1996

ORIGINAL: ENGLISH

Fiftieth session
Agenda items 47 and 163

QUESTION OF EQUITABLE REPRESENTATION ON AND INCREASE IN THE MEMBERSHIP OF THE SECURITY COUNCIL AND RELATED MATTERS

STRENGTHENING OF THE UNITED NATIONS SYSTEM

Letter dated 2 February 1996 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

Since the delegation of the Federal Republic of Yugoslavia was not able to participate in the consideration of the question of reform of the United Nations during the fiftieth regular session of the General Assembly, I have the honour to transmit, enclosed herewith, the position of my Government on this issue.

I should be grateful if you would have the present letter and its annex circulated as an official document of the fiftieth session of the General Assembly under agenda items 47 and 163.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

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ANNEX

Position of the Government of Yugoslavia concerning the reform of the United Nations

1. The Federal Republic of Yugoslavia supports the initiatives and efforts aimed at establishing the criteria and laying down the foundations for the revitalization and reconstruction of the United Nations in the newly created conditions in international relations in the post-cold-war period.

2. Although the contours of the new world order are not yet clearly defined and the precise answers to new developments in international relations are still to be supplied, the United Nations, as a universal international organization, should embark, even in such conditions, upon a process of reform. The report of the Secretary-General entitled "An Agenda for Peace", and its Supplement, constitute a solid basis for the discussion and adoption of concrete decisions, so much so that they enjoy the broadest support of the States Members of the United Nations, including the Federal Republic of Yugoslavia.

3. The Federal Republic of Yugoslavia considers that in discussing these very important issues and, in particular, in adopting decisions, full account must be taken of, and due respect given to, the basic principles of the Charter of the United Nations and the participation of all Member States in that process on an equal footing. It is particularly important to ensure that the participation of the greatest possible number of Member States in the process of adopting decisions which are to adjust the United Nations to modern-day changes and lead it into the twenty-first century, thus providing the greatest possible support to the proposed changes. After all, no reform of the United Nations should run against the interests of any of its Member States.

4. The Federal Republic of Yugoslavia considers that the importance and role of the United Nations in establishing, maintaining and promoting international peace are irreplaceable and that the United Nations should continue to be the principal, effective and objective centre of ensuring peace. In this context, a special role should be played by the Security Council, which is directly responsible for maintaining international peace. Therefore, the Security Council should reaffirm its primary responsibility, based principally on its competence and obligations under the Charter of the United Nations.

5. In the post-cold-war period, the Security Council has been able ever more frequently to achieve a higher level of identity of views on an ever greater number of world problems. No doubt, that is eloquent proof of its new quality and strengthened role. The Federal Republic of Yugoslavia is supportive of these developments, provided the increasing unanimity in decision-making does not reflect absolute supremacy and arbitrary and imposed solutions by some of the permanent members of the Security Council.

6. In view of the profound changes that have taken place in international relations, the Federal Republic of Yugoslavia considers that conditions have been created to have the ongoing discussions relating to the increase in membership of the Security Council and the strengthening of its effectiveness

reflected in concrete decisions. There is also no doubt that our agenda should include greater democratization, as well as greater transparency in the work of the Security Council, and the Federal Republic of Yugoslavia supports the measures that have been taken to that effect thus far.

7. As far as the increase in the membership of the Security Council is concerned, the Federal Republic of Yugoslavia considers that the membership should not be increased to the detriment of equitable geographical representation, i.e., such representation that would enable the Security Council to carry out effectively its tasks deriving from the system of collective security.

8. Any genuine reform of the United Nations, and of the Security Council in particular, cannot sidestep the discussion and adoption of relevant decisions concerning the method of decision-making in the Security Council. This is particularly true of the right of veto which, at its core, runs against the grain of the principle of sovereign equality of the States Members of the United Nations and may adversely affect the effectiveness and efficiency of the Security Council.

9. The Federal Republic of Yugoslavia considers that force and coercive measures, including sanctions, under Chapter VII of the Charter of the United Nations may be used only as measures of last resort and only after the international community has not been able, despite all its efforts, to remove the threat to international peace and security in a different way. Moreover, sanctions should not be imposed, under any pretext, to achieve the political goals of the most powerful countries, which play the leading role in the process of decision-making in the Security Council, and should be lifted as soon as the threat to peace, which accounted for their imposition, has been eliminated. Besides, humanitarian assistance should be exempted from sanctions and delivered without prior special decisions by the Security Council Sanctions Committee.

10. The Federal Republic of Yugoslavia deems it proper and necessary to point also on this occasion to the recent practice of the Security Council of resorting to frequent use of force or imposition of mandatory measures, in disregard of the principles of the Charter of the United Nations and the norms of international law, i.e., following an arbitrary interpretation of the powers of the Security Council and the adoption of hasty decisions without prior verification of facts. Coercive measures, sanctions in particular, cannot solve international conflicts, let alone civil wars.

11. The Federal Republic of Yugoslavia considers that the practice of the Security Council with regard to sanctions should be reviewed, especially in the light of increasing resort to this measure. The sanctions should neither serve as punishment nor retaliation. The implementation of sanctions must not threaten the human rights and the material and social existence of broad segments of the population. Unfortunately, past practice has been replete with many examples to the contrary and has provided ample evidence that sanctions and their arbitrary imposition have affected the broadest and most vulnerable segments of the population - the sick, children and the elderly.

12. The Federal Republic of Yugoslavia considers that it is necessary to discuss the work of the Sanctions Committee as well. In this context, it supports the Secretary-General's positions, expressed in the Supplement to "An Agenda for Peace".

13. The Federal Republic of Yugoslavia attaches absolute priority to the use of political means in international relations, particularly in solving conflicts and disputes. In this context, it welcomes and supports the efforts of the Secretary-General aimed at solving international crises by peaceful means. It considers that special attention should be given to the consideration of future actions of the United Nations in accordance with the proposals contained in "An Agenda for Peace", primarily to the strengthening of mechanisms for peaceful settlement of disputes and for the further elaboration of a concept of preventive diplomacy.

14. Peace-keeping operations have been amongst the most important activities in the entire history of the United Nations and its overall efforts to maintain international peace and security. No discussion of the reform of the United Nations should therefore leave this important question out of consideration. The Federal Republic of Yugoslavia considers that the consent of interested parties, the impartiality of the members of peace-keeping operations and non-interference in internal affairs should continue to be the basic principles in the implementation of peace-keeping operations. However, it is evident that developments in international relations have brought about changes in the traditional perception of peace-keeping operations and that their mandates tend to be more specific and complex than in the past. None the less, the Federal Republic of Yugoslavia considers that it is very important that, through the Secretary-General, the Security Council should ensure political leadership and control over the functioning of peace-keeping operations, i.e. that it should define more precisely the mandates of peace-keeping operations.

15. The Federal Republic of Yugoslavia attaches special importance to the role of the International Court of Justice, which is unjustly neglected in practice. It believes in the authority and impartiality of this prestigious international institution and calls for increasing recourse to its contentious and advisory jurisdiction in the future.

16. No reform of the United Nations can succeed if the General Assembly, as its principal plenary organ, does not reaffirm its role as the centre for the harmonization of all activities of the United Nations, as provided for by the Charter of the United Nations. The Federal Republic of Yugoslavia considers that, in addition to its coordinating role, it is necessary to strengthen the "supervisory function" of the General Assembly, especially in the discussion of, and the suggestions with respect to, the reports of its principal organs, including those of the Security Council. In this context, the Federal Republic of Yugoslavia supports the other concrete measures as well, such as the streamlining and updating of the agenda, reduction of the number of resolutions, etc.

17. The Federal Republic of Yugoslavia also supports the implementation of the decisions on the restructuring of the economic and social sectors, aimed at

strengthening and adjusting this sector to the changes that have taken place in the world and to development needs of the developing countries.

18. The strengthening of the role of the Secretary-General is a precondition for the successful discharge of the tasks with which he is entrusted by the Security Council and the General Assembly. The Federal Republic of Yugoslavia supports the measures the Secretary-General has taken to streamline the Secretariat of the United Nations and make it more efficient and compatible with the new role of the United Nations.

19. In conclusion, the Federal Republic of Yugoslavia wishes to reiterate the importance it attaches to these questions. In that vein, it is ready to contribute, together with other States Members of the United Nations, to the modernization of the United Nations and the strengthening of its overall activities and the affirmation of multilateral forms of cooperation and the maintenance of international peace and security.

UNITED NATIONS **A S**

General Assembly
Security Council

Distr.
GENERAL

A/50/872
S/1996/85
6 February 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
Agenda item 28
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Fifty-first year

Letter dated 31 January 1996 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General

I wish to draw your attention to the enormous efforts that Italy has made in support of past and present operations carried out by the international community to restore peace and stability in the former Yugoslavia. My country has thus far deployed thousands of men and has paid a heavy tribute in blood (10 dead and 7 wounded).

This commitment, as the annexes show, has resulted in an extraordinary financial burden, amounting to more than $500 million (12 months of the Implementation Force (IFOR) operation included). This sum is drawn exclusively from the national budget, since no reimbursement is expected from the United Nations.

Italy's contribution demonstrates the significant and often silent role that it has played and continues to play in favour of the United Nations, particularly in the former Yugoslavia.

The reason I am writing is not only to provide this information but also by way of example and incentive to other States. I would be very grateful if the present letter and its annexes would be circulated as a document of the fiftieth session of the General Assembly, under agenda item 28, and of the Security Council.

(Signed) F. Paolo FULCI
Ambassador and
Permanent Representative

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ANNEX I

Italy's engagement in the former Yugoslavia until the Dayton agreements

1. Maritime surveillance

Italy has taken part since 16 July 1992 in the Western European Union (WEU) and North Atlantic Treaty Organization (NATO) surveillance operations at sea (respectively "Operation Sharp Vigilance" and "Operation Maritime Monitors") for the enforcement of Security Council resolutions 713 (1991) and 757 (1992), and since 16 July 1993 in the NATO/WEU joint operation "Sharp Guard" for the enforcement of the embargo and naval blockade of the Montenegro harbours, in accordance with Security Council resolutions 787 (1992) and 820 (1993). Three Italian ships have been deployed continuously.

Statistical data on embargo activities carried out to date are as follows:

Units questioned	61 011
Units inspected	6 019
Units rerouted	1 426

The total cost of the operation thus far amounts to approximately $130 million.

2. Waterways surveillance

The WEU monitoring operation "Enforcement Danube" has been in place since 18 June 1993 to enforce the United Nations embargo on the Danube river. The Italian participation consists of 64 men and 2 motor patrol boats.

The Italian customs police inspected 2,070 convoys, carrying out 3,238 missions.

3. Air surveillance

(a) Participation in operation "Sharp Guard"

Italy provided additional support for this operation until 16 October 1995, making available eight Tornado aircraft, two maritime patrol aircraft and one HH3F helicopter for rescue, to protect the Task Group operating along the coast of Montenegro.

The cost of the operation has been approximately $88 million.

(b) Operation "Deny Flight"

Italy has made available 14 airports: Aviano, Rivolto, Istrana, Vicenza, Villafranca, Ghedi, Malpensa, Cervia, Pisa, Gioia del Colle, Brindisi, Sigonella, Palermo and Trapani.

Moreover, Italy granted the use of three training areas: Maniago, Cellina Maduna and Punta della Contessa.

Since August 1995, in the framework of possible air strikes and close air support operations in assistance to the United Nations Protection Force (UNPROFOR) and the Rapid Reaction Forces, Italy made available to NATO 14 fighter bombers, 4 transport aircraft and 1 replenishment aircraft.

The cost of the operation has been about $60 million.

4. European Community Monitoring Mission (ECMM)

Italian commitments began in July 1992 with the following contribution: 32 officers, 21 non-commissioned officers and 4 motor vehicles.

In the past Italy has deployed up to 80 men, 50 vehicles and 4 helicopters.

The cost of the operation has thus far amounted to $18 million.

5. Unified Police Force in Mostar (UPFM)

A unified police force, comprising Croats, Muslims and a component of WEU police, has been operating at Mostar since 23 July 1994. Italy participates in the force with 20 Carabinieri (3 officers, 14 non-commissioned officers, 1 corporal and 2 privates).

The estimated cost of the operation (from 9 March 1995 to 22 July 1996) is $2.7 million.

6. Humanitarian aids

Italy has made available land, maritime and air carriers in order to assist the people of the former Yugoslavia.

The Italian armed forces provided airlifts from Ancona and Pisa to Sarajevo and Belgrade.

The cost of the operation has thus far amounted to approximately $11 million.

ANNEX II

Italian contribution to the Implementation Force

1. Forces assigned to the North Atlantic Treaty Organization (NATO)

(a) Land forces

1 mechanized brigade:

- Mechanized regiment
- Artillery battalion
- Special forces unit
- Armoured company
- Support unit
- Logistic unit

(b) Naval forces

4 frigates

4 minesweepers and 1 command ship

2 landing ships

2 coastal transport ships

1 oceangoing tug

(c) Air forces

14 tactical aircraft (8 Tornado and 6 AMX)

5 transport aircraft (1 C130 and 4 G222)

2 maritime patrol aircraft

1 replenishment aircraft

(d) Theatre reserve

600 marines and 2 landing ships

2. Logistics support

In addition to the forces made available to IFOR, the following national bases have been made available to the Allied Forces:

(a) Twenty-one military and civilian airports for the deployment of a maximum of 250 aircraft (Aviano, Istrana, Ghedi, Piacenza, Cervia, Grosseto, Gioia del Colle, Amendola, Grazzanise, Sigonella, Treviso, Vicenza, Verona-Villafranca, Rimini, Pisa, Napoli, Brindisi, Trapani, Cagliari, Genova and Ronchi dei Legionari);

(b) Nine ports or naval bases (Trieste, Venezia, Monfalcone, Ancona, Bari, Brindisi, Taranto, Messina and Augusta);

(c) A multinational logistic base, located in north-east Italy, made of 14 army barracks, capable of supporting external forces up to 3,000 men and 1,000 vehicles;

(d) A forward logistic site (comprising Ancona harbour and Falconara airport), which provides logistic support to the naval forces in the Adriatic sea;

(e) San Vito dei Normanni base as a transit area capable of supporting 1,200 men.

A breakdown of Italian military personnel involved in the operation is as follows:

Land components on the ground	2 500
Maritime components	2 500
Theatre reserve force	600
Air components	650
Logistic support	4 700
Total (approximate)	11 000

3. Additional commitments:

(a) Thousands of police, customs officers and communication operators are deployed for the security and control of allied forces and air/naval bases. The Italian air defence system and air traffic control are also heavily involved.

(b) The existing United Nations bases in Italy (Brindisi and Pisa) are of fundamental importance for any United Nations activity in the former Yugoslavia.

4. The overall financial burden of the Italian contribution to the operations in the area amounts to about $220 million for 12 months.

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/50/873
S/1996/88
7 February 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
Agenda item 55
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-first year

Letter dated 5 February 1996 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 2 January 1996 addressed to you by His Excellency Mr. Osman Ertuğ, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex would be circulated as a document of the fiftieth session of the General Assembly, under agenda item 55, and of the Security Council.

(Signed) Hüseyin E. ÇELEM
Ambassador
Permanent Representative

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ANNEX

Letter dated 2 January 1996 from Mr. Osman Ertuğ
to the Secretary-General

It has recently come to my attention that the founder of the "Byzantine Academy" in southern Cyprus has sent a letter to Your Excellency in connection with the religious heritage in northern Cyprus. Since the said letter, as reported in the Greek Cypriot press, contains a barrage of unfounded allegations against the Turkish Cypriot side and Turkey, I have the honour to send this communication to Your Excellency in order to put on record the facts pertaining to this matter.

At the outset, I wish to refer to my previous letter dated 28 November 1995 addressed to you on this subject which was circulated as document A/50/800-S/1995/1007. At the risk of repetition, I would like to reiterate some of the salient points in that communication, before elaborating on some of the other aspects of the Greek Cypriot letter.

Allegations on "systematic destruction" of cultural property in the north are not new and have been conclusively refuted not only by the Turkish Cypriot side, but also by independent sources, including a prominent United Nations Educational, Scientific and Cultural Organization (UNESCO) expert and the relevant committee of the Parliamentary Assembly of the Council of Europe.

It should be recalled that, in a letter he wrote to the London Times, the respected UNESCO expert, Mr. Jacques Dallibard, who had visited Cyprus twice in 1975, observed that "there was no systematic and organized looting of the cultural heritage of Cyprus. And on the whole, considering that a war took place, the losses are small".

On the other hand, Mr. Ymenus van der Werff, General Rapporteur of the Subcommittee on the Architectural and Artistic Heritage of the Committee on Culture and Education of the Council of Europe, who had come to the island with a delegation of experts to study the situation regarding cultural property in both parts of the island, reported the following on this subject in paragraph 5.3 of his report, which was published as a document of the Council of Europe on 2 July 1989 under the symbol AS/CULT/AA(41)1: "We saw no churches destroyed though St. George in Limnia (in the north) was listed as such."

Contrary to what is claimed, it is the Greek Cypriot side that has always tried, and continues to try, to eradicate all traces of the Turkish-Muslim heritage of Cyprus, particularly during the years between 1963-1974, when they attempted to "cleanse" the island of its ethnic Turkish population through massacre, expulsion and various methods of intimidation. During that tragic period, mosques, shrines and other places of Muslim worship in 103 villages across the island had been destroyed, including the historic Grand Mosque in the southern town of Paphos. The following quotation on this subject taken from the aforementioned Council of Europe report is sad, yet revealing:

"5.3 We noted with regret the complete destruction of the main mosque in Paphos. The whole area has since been flattened to give way for a widened road junction and a car park. There is no memorial to the existence of the mosque. Below the road a Turkish bath complex remains hidden in rubble and vegetation awaiting restoration. The Turkish Cypriot cemetery by the nearby St. Sophia Mouttalos mosque is dilapidated."

Today, the Greek Cypriot side continues to show utter contempt for what is left of the Turkish-Islamic heritage in southern Cyprus. For instance, the historic Bayraktar Mosque on the ancient walls of Nicosia, which is located in the Greek sector of the city, and which had been repeatedly attacked and bombed before 1974, has again been the target of several bombing and arson attacks. The reason is that the mosque stands as a symbol of the centuries-old Turkish-Islamic heritage of the island, and a powerful reminder that Cyprus is not a Greek island.

Regarding the allegations of desecration made in the said letter over the conversion of a number of churches into mosques or museums, it should be emphasized that conservation of historic buildings through use is not only permissible but also recommended under relevant international instruments. For instance, the Amsterdam Declaration, which was issued by the Congress on the European Architectural Heritage in October 1975, states the following:

"It has been shown that historic buildings can be given new functions related to the needs of contemporary life. [p. 7, para. 3]

"... Local authorities should ... afford functions to buildings which, whilst respecting their character, correspond to the needs of contemporary life and thus ensure their survival. [p. 9, paras. 3 and 5]

"A policy of conservation also means the integration of the architectural heritage into social life." [p. 10, para. 5]

The same objectives are expressed in the Charter of Venice, which was drawn up in May 1964 by the International Congress of Architects and Technicians on Historical Monuments. According to article 5 of this Charter, "the conservation of historical buildings can be achieved through use for any useful communal purpose. This is a desirable way of use, however the original plan and ornaments of the buildings should be respected and should not be altered".

In line with the above, the aforementioned Council of Europe report states the following in paragraph 5.3:

"In several cases the churches are used; whether as mosques or for other purposes ..."

"Although the point is controversial, we find it difficult to criticize such reuse. As the Turkish Cypriots point out, it has been general Council of Europe policy for some time to urge reuse of redundant religious buildings ..."

Noteworthy among the churches and religious buildings currently being used as icon museums in northern Cyprus are the Church of Archangel Michael in Girne, the Monastery of St. Barnabas in Gazimağusa, the Church of St. Mamas in Güzelyurt, the Church of the Virgin Mary in Karaman and the Church of Bellapais in Beylerbeyi.

It will be seen from the foregoing that the Greek Cypriot side's complaints in this regard have no basis and are utterly unjustified. Since it is the Greek Cypriot side which has systematically attacked, destroyed or treated with utter disrespect cultural and religious monuments, places of worship and other elements of culture belonging to the Turkish-Muslim heritage of the island, the Greek Cypriot charges on this issue appear as an attempt to shift the blame for the other side's own misdeeds on the Turkish Cypriot side.

I am confident that, in view of the above, Your Excellency will duly dismiss the allegations of the "Byzantine Academy", whose aim is clearly to exploit cultural matters for political propaganda purposes, and remind this organization that this attitude is not conducive to rapprochement between the two communities in Cyprus.

I would be grateful if the present letter is circulated as a document of the fiftieth session of the General Assembly, under agenda item 55, and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus